CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTION 817.03

Amended May 20, 2005

817.03 SMALL MARINE FUELING FACILITY PLAN CONTENT
To the degree the information required by Subsections 817.03(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material
(1) Each plan shall provide the following information:

(A) name and address of the small marine fueling facility (as defined in Section 790 of this subdivision), and mailing address if different. The name and address of the facility shall be referenced in the plan title or on a title page at the front of the plan;

(B) name, address, ~~and~~ phone number, fax number and e-mail address, if available, of the owner and/or operator of the small marine fueling facility;

(C) name, address, ~~and~~ phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent;

(D) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format;

> "I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."
> (signature), (title), (date);

(E) ~~a copy of the~~ The California Certificate of Financial Responsibility (COFR) number for the small marine fueling facility shall be included in the front of the plan. If the COFR is not available when the plan is submitted because the facility is not yet operational, ~~a copy of~~ the COFR number must be provided as soon as it becomes available. The COFR number must be provided before the plan can be approved.

(2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of

implementing the plan, and documentation that the Qualified Individual acknowledges this capacity . If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder, and documentation that the agent for services of process acknowledges this capacity. Such agent shall be located in California.

(4) Each plan shall identify a Spill Management Team (as defined in Section 815.05(q) of this subchapter), and provide documentation that the Spill Management Team acknowledges this capacity.

(45) Each plan shall contain a copy of the contract or other approved means (as defined in Section 815.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) Small Marine Fueling Facility Description

(1) Each plan shall describe the small marine fueling facility's design and operations with specific attention to those areas from which an oil spill could occur. This description shall include, at a minimum, the following information:

(A) For small marine fueling facilities (except for those mobile transfer units addressed under Subsection (B) below):

1. a piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans;

(B) For mobile transfer units:

1. an instrumentation and tank diagram of the mobile transfer unit tankage and fueling components:

(C) a description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A material safety data sheet (MSDS) or equivalent will meet ~~this~~ some of these requirements and can be maintained separately at the small marine fueling facility providing the plan identifies its location;

(D) a description of the normal procedures for transferring oil, and the amount, frequency

and duration of the oil transfers; and

(E) the small marine fueling facility's normal hours of operation.

(c) Prevention Measures
Each plan shall address prevention measures in order to reduce the possibility of an oil spill occurring as a result of an oil transfer. The prevention measures must eliminate or mitigate all the hazards identified in the Risk and Hazard Analysis.

(1) Risk and Hazard Analysis

(A) Each plan shall provide a history of the significant spills from the small marine fueling facility for either the 10 year period prior to the date of plan submittal, or from the date the facility became operational, whichever is shorter. As used in this section, a significant spill is one which had a deleterious impact on the local environment, or caused the physical layout of the facility or the facility's operations procedures to be modified. This information shall include:

1. a written description of sites, equipment or operations with a history of oil spills;

2. the cause and size of any historical spill. The causes to be considered shall include such factors as operator error, or a failure of the system or subsystem from which the spill occurred;

3. a brief summary of the impact of the spills; and

4. a description of the corrective actions taken in response to any and all spills included in the historical data.

(B) Each small marine fueling facility shall conduct a Risk and Hazard Analysis to identify the hazards associated with the operation of the small marine fueling facility, including operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The owner/operator may use the “What-If Analysis” hazard evaluation method or an equivalent method identified by the American Institute of Chemical Engineers.

(C) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the "Guidelines for Hazard Evaluation Procedures", second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.

2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the small marine fueling facility and adequate according to the published procedures referenced in (C) above.

3. An owner/operator may be found in violation of this section if the Risk and Hazard Analysis does not adequately address the risks posed by the small marine

fueling facility.

4. The Administrator may require that an analysis be updated if there are significant changes made to the small marine fueling facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.

5. Additional information regarding the analysis method used or the working group that conducted the analysis shall be made available to the Administrator upon request.

(D) Each plan shall include a summary of the results of the Risk and Hazard Analysis. The summary shall include the following:

1. the hazard analysis method used, and a statement that the analysis is specific to the small marine fueling facility. If the analysis relies on a risk assessment at a similar facility, the summary shall specify how the two facilities are comparable;

2. an inventory of the hazards identified, including the hazards that resulted in the historical spills;

3. an analysis of the potential oil discharges, including the size, frequency, cause, duration and location of all significant spills from the small marine fueling facility as a result of each major type of hazard identified;

4. the control measures that will be used to mitigate or eliminate the hazards identified. The plan shall include timeframes for implementing any control measures that cannot be functional immediately; and

5. a prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(E) All supporting documentation used to develop the Risk and Hazard Analysis summary shall be made available to the Administrator upon request.

(2) Off-Site Consequence Analysis:
For the significant hazards identified in the Risk and Hazard Analysis required under this section, the small marine fueling facility (except for mobile transfer units, as defined in Chapter 1, Section 790 of this subdivision) shall conduct a trajectory analysis to determine the Off-Site Consequences of an oil spill. This analysis shall assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the U.S. Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. The analysis, which shall be summarized in the plan, shall include at least the following:

(A) a trajectory, or series of trajectories, to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the small marine fueling facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;

(B) for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(3) Resources at Risk from Oil Spills:
Based on the trajectory of the spilled oil as determined in the Off-Site Consequence Analysis, each small marine fueling facility plan (except for mobile transfer units, as defined in Chapter 1, Section 790 of this subdivision) shall identify the environmentally, economically and culturally sensitive sites ~~areas~~ that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the U.S. Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.

(A) The map of environmentally sensitive sites ~~areas~~ shall include:

1. shoreline types and associated marine resources;

2. the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;

3. the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;

4. the presence of natural terrestrial animal and plant resources in marine-associated environments;

5. the presence of state or federally-listed rare, threatened or endangered species;

6. the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive sites ~~areas~~ shall include:

1. public beaches, parks, marinas, boat ramps and diving areas;

2. industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;

3. off-shore oil and gas leases and associated drilling/production platforms;

4. known historical and archaeological sites;

5. areas of cultural or economic significance to Native Americans; and

6. the major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures

(A) Each small marine fueling facility shall implement all prevention measures to reduce or mitigate the potential hazards identified in the Risk and Hazard Analysis.

(B) In addition, each plan shall include the following:

1. schedules, methods and procedures for testing, maintaining and inspecting hoses, mobile transfer unit tankage and fueling components, and other structures within or appurtenant to the small marine fueling facility, that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with Title 33 CFR, Part 154; Title 49 CFR, Part 195; and/or Title 5, Division 1, Part 1, Chapter 5.5 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection;

2. methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5.5; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

3. procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5.5; Title 14, CCR, Division 1, Subdivision 4, Chapter 3, Subchapter 6; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

4. the plan holder shall provide additional relevant information to the Administrator upon request.

~~(5) Other Prevention Measures~~

~~Each plan shall also identify and include a summary of those prevention measures required by other Federal, State or local agencies or which are currently in place and being utilized by the small marine fueling facility. The list of existing prevention measures shall include, but not be limited to, the following:~~

~~(A) a description of any "risk reduction incentive programs" in place at the small marine fueling facility. A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;~~

~~(B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;~~

~~(C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;~~

~~(D) a description of the alcohol and drug testing programs for key personnel;~~

~~(E) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;~~

~~(F) a description of any fencing, locks, lighting and other security or surveillance measures necessary to reduce vandalism, sabotage, or unauthorized entries.~~

~~(G) The plan holder shall provide additional relevant information to the Administrator upon request.~~

(d) ~~On-Water~~ Containment Booming and On-Water Recovery
Each plan holder must ~~provide~~ a contract or other approved means for ~~the on-water~~ containment booming and on-water recovery response resources up to their Response Planning volume for ~~of~~ all potential oil spills from the small marine fueling facility. To determine the amount of response resources for containment booming and on-water recovery ~~capability that must be available~~, each ~~small marine fueling facility~~ plan holder must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill
To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill size as follows:

(A) For small marine fueling facilities (except for mobile transfer units which are addressed in Subsection (B) below):

1. the amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if each hose or pipeline ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage shall be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in minutes or hours (based on historic discharge data or the best estimate in absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total linefill drainage volume expressed in barrels.

(B) For mobile transfer units:

1. the total tank storage capacity.

(C) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a small marine fueling facility's reasonable worst case spill shall be submitted as part of the plan. The Administrator may review

and test these parameters as part of the drill conducted in accordance with Subsection 816.03(b).

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors ~~relative to the type of oil spilled,~~ are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
~~On-Water Volumes~~ Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors

The volume determined from the calculation in Subparagraph (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by the above calculation is a Response Planning Volume.

1. The Response Planning Volume is used to determine the amount of Response Equipment and Services that must be under contract.

2. All calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The standards set forth in this section ~~are only planning standards and~~ may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. ~~Equipment~~ Response resources in addition to ~~that~~ those under contract must be identified, and a call-out procedure in place to access this equipment, if the small marine fueling facility has a spill that exceeds these planning standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total ~~Equipment~~ Response Resources Required

1. The total amount of on-water containment and recovery equipment and services required shall be the amount necessary to address the Response Planning Volume

determined in Sections 817.03(d)(1) & (2) as follows:

i. sufficient on-water containment and recovery equipment and services to respond to 50% of the calculated Response Planning Volume within two hours of notification.

ii. sufficient on-water containment and recovery equipment and services to respond to the remaining 50% of the calculated Response Planning Volume within 12 hours of notification.

2. The timeframes for equipment delivery and deployment as specified in this ~~S~~subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 817.03(f)(6), and as required by the California Occupational and Safety Administration. In addition, these timeframes do not account for delays that may occur due to weather or seastate. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and seastate, as well as the site assessment requirements.

(4) Transfer Operations

Each plan shall demonstrate that the small marine fueling facility, not including mobile transfer units, owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill. Additionally, each plan holder shall identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. Response resources owned or under contract to the small marine fueling facility or vessel engaged in oil transfer operations may be used to meet these requirements.
~~for containment of persistent oil (i.e., Group 2, 3, 4, or 5) immediately upon discovery of a spill.~~

(5) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the small marine fueling facility owns or has under contract or other approved means (as defined in Section 815.05(b) of this subchapter), access to all the necessary equipment, services, and personnel to comply with the Response Capability Standards established in Subsection 817.03(d). The amount of response equipment required shall take into account the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant U.S. Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) and for adequate booming and other shoreline protective resources to be owned or under contract or other approved means and available to respond to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Off-site Consequence Analysis.

Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. To the extent that the following information is provided by a Rated OSRO, evidence of a contract or other approved means with a Rated OSRO will suffice: ~~The following information must be provided:~~

1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;

2. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;

3. the manufacturer's rated capacities and the operational characteristics for each major item of oil recovery equipment;

4. the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the ~~derated~~ effective daily recovery capacity for the skimming systems as a whole.

    i. A request may be submitted to the Administrator to review the ~~derated~~ effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

    ii. The Administrator's decision regarding a change in the ~~derated~~ effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

5. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom and availability of shallow-draft vessels;

6. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

~~(6) On-Water Response and Recovery Strategies~~

~~Utilizing the equipment that is owned or under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment shall be appropriate for use on the type of oil identified.~~

(e) Shoreline Protection and Clean-up

Each plan must provide for shoreline protection and clean-up of all potential spills from the small marine fueling facility. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.

(f) Response Procedures

(1) Each plan shall describe the organization of the small marine fueling facility's spill response management team. An organizational diagram depicting the chain of command

shall also be included. Additionally, the plan shall describe the method to be used to interface the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192~~(p)(8)(D)(2)~~ (q)(3)(A).

(A) The plan holder may utilize the procedures outlined in the appropriate Federal Area Contingency Plan when describing how the small marine fueling facility's chain of command will interface with the State Incident Command System which utilizes the Unified Command Structure.

(2) Each plan shall describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) procedures for emergency medical treatment and first aid;

(3) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart, or decision tree shall describe the general order and priority in which key spill response activities are performed.

(4) Each plan shall describe equipment and procedures to be used by small marine fueling facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(A) Spill mitigation procedures shall include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(5) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.

(A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.

(B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.

(6) Prior to beginning spill response operations and/or clean-up activities, a Site Safety Plan must be completed. Each Site Safety plan shall describe the procedures to be used for the development of the Site Safety Plan required pursuant to Title 8, Section 5192(b)(4)(B) of the California Code of Regulations.

(g) Notification Procedures

(1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, ~~or~~ discharge of oil, or any other reporting requirement as established in the California Oil Spill Contingency Plan. The plan shall:

(A) detail the procedures for reporting oil spills to all appropriate local, state, and federal

agencies;

(B) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:

1. the individual or office to be contacted;

2. telephone number or other means of contact for any time of the day; and

3. an alternate contact in the event the individual is unavailable.

(C) establish a clear order of priority for notification.

(2) Immediate Notification
Nothing in this section shall be construed as requiring notification before response.

(A) Each plan shall include a procedure for contacting the ~~primary~~ OSRO, or other initial response resources if an OSRO is not being used, immediately, but no longer than ~~within~~ 30 minutes, after ~~of~~ the discovery of a discharge of oil or threatened discharge of oil.

(B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.

(C) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator owns or has under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) small marine fueling facility name and location;

(B) date and time of the incident;

(C) the cause and location of the spill;

(D) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(E) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(F) the size and appearance of the slick;

(G) prevailing weather and sea conditions;

(H) actions taken or planned by personnel on scene;

(I) current condition of the small marine fueling facility;

(J) injuries and fatalities; and

(K) any other information as appropriate.

(5) Reporting of a spill as required by Subsection 817.03(g)(2) shall not be delayed solely to gather all the information required by Subsection 817.03(g)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(h) Temporary Storage and Waste Management

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the calculated Reasonable Worst Case Spill volume as determined in Section 817.03(d)(1).

(2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including sites available within the small marine fueling facility or near the spill area.

(4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.

(5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(i) Oiled Wildlife Care Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care

requirements: or

(2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards and written protocols for wildlife care must comply with all applicable State and federal laws.

(j) Training

(1) Each plan shall provide that all appropriate personnel employed by the small marine fueling facility shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:

(A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include, if applicable, the following:

(A) any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) the means of achieving any established training objectives, such as:

1. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;

(C) any licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose small marine fueling facility is subject to and in compliance with State Lands Commission training regulations, Title 2, Division 3, Chapter 1, Article 5.3, CCR Sections 2540 through 2548, shall be considered in compliance with the training provisions of this subsection.

(3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.

(4) The small marine fueling facility owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(k) Drills and Exercises ~~– Type and Frequency~~

(1) Each plan shall describe the small marine fueling facility's drill and exercise program that meets the requirements of Section 820.01(a) to ensure that the elements of the plan will function in an emergency. ~~A small marine fueling facility owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the facility's drill and exercise~~

~~program, including how the program assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the facility's Off-site Consequence Analysis) will be exercised, as outlined in Section 820.01(f). The following are the necessary drill and exercise frequencies for all small marine fueling facilities as consistent with the National Preparedness for Response Exercise Program (PREP) guidelines:~~

~~(A) a quarterly drill of the notification procedures for facility personnel, the Qualified Individual, the OSROs, and the spill management team;~~

~~(B) a semiannual exercise to test the deployment of facility-owned equipment;~~

~~(C) a yearly tabletop exercise of the facility's spill management team.~~

(2) Drills shall be designed to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

~~(3) The facility owner/operator shall ensure that records sufficient to document a drill or exercise are maintained for three years following the completion of the drill or exercise. All such documentation must be made available to the Administrator upon request.~~

~~Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01.~~

Note: Authority cited: Sections 8670.7, ~~and~~ 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, and 8670.37.51, Government Code.